

Senate Bill No. 345

CHAPTER 524

An act to amend Sections 45038, 45039, 45040, and 49110 of, and to add Section 47612.7 to, the Education Code, relating to charter schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 12, 2007. Filed with
Secretary of State October 12, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 345, Aaenstad. Charter schools.

(1) The Charter Schools Act of 1992 prescribes the requirements for the establishment and operation of charter schools. Charter schools operate independently of the existing school district structure and are exempt from most statutory provisions and regulations governing the operations of public schools.

Existing law authorizes the governing board of a school district to use certain monthly installment and withholding options in making salary payments to the district's certificated employees.

This bill would authorize the governing board of a charter school to use those same monthly installment and withholding options for purposes of making salary payments to its certificated employees.

(2) The Charter Schools Act of 1992 requires the Superintendent of Public Instruction annually to compute a general-purpose entitlement that includes revenue limit funding for each charter school according to specified calculations. The act requires charter schools, as a condition of receiving funding apportionments, to offer in each fiscal year a specified number of minutes of instruction to each pupil based on grade level. For purposes of that instructional time requirement, the act defines "classroom-based instruction" as occurring only when charter school pupils are engaged in required educational activities under the immediate supervision and control of an employee of the charter school who possesses a specified teaching certification. The act requires, for purposes of calculating average daily attendance for classroom-based instruction apportionments, that at least 80% of the instructional time offered by the charter school be at the charter schoolsite. Charter schools are required to ensure the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80% of the minimum instructional time required to be offered.

This bill, notwithstanding those provisions, would authorize the Center for Advanced Research and Technology operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District to receive general-purpose funding, as calculated pursuant to a specified statute, for the 2007–08 fiscal year for a total average daily

attendance not to exceed the center's average daily attendance as determined at the 2nd principal apportionment for the 2006–07 fiscal year.

(3) Existing law authorizes the superintendent of a school district in which a minor resides to issue a work permit upon receipt of a written request from a parent, guardian, foster parent, or other specified person. The superintendent also is authorized to designate certain certificated employees and certain persons having charge of private schools to issue work permits.

This bill would grant that same authority to issue work permits, or to designate other individuals to issue work permits, to the chief executive officer, or the equivalent position, of a charter school.

(4) This bill would make additional changes in Section 49110 of the Education Code to be operative only if SB 406 and this bill are enacted and become effective on or before January 1, 2008, each bill amends Section 49110 of the Education Code, and this bill is enacted last.

(5) This bill would state findings and declarations of the Legislature concerning the need for special legislation.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 45038 of the Education Code is amended to read:

45038. (a) The governing board of a school district or charter school may arrange to pay the persons in positions requiring certification qualifications employed by it, or any one or more of those employees or one or more groups or categories of those employees, in either 10, 11, or 12 equal payments instead of by the school month.

(b) In lieu of the arrangement in subdivision (a), orders for the payment of salary, and payroll orders for the payment of salary and warrants for the payment of salary of employees employed in positions requiring certification qualifications may be drawn once each two weeks, twice a month, or once each four weeks as determined by the governing board.

SEC. 2. Section 45039 of the Education Code is amended to read:

45039. If the governing board of a school district or charter school arranges to pay persons employed by it in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, whether or not the persons are actually engaged in teaching during the month.

SEC. 3. Section 45040 of the Education Code is amended to read:

45040. (a) The governing board of a school district or charter school not paying the annual salaries of persons employed by the district or charter school in 12 equal monthly payments may withhold from each payment made to each employee an amount equal to $16\frac{2}{3}$ percent thereof.

(b) The total of the amounts deducted from the salary of an employee during a school year shall be paid to him or her in two equal installments,

one installment to be paid not later than the fifth day of August next succeeding, and one installment to be paid not later than the fifth day of September next succeeding.

(c) If an employee leaves the service of the district or charter school by death or otherwise before receiving the moneys that may be due him or her, the amount due him or her shall be paid within 30 days to him or her or to any other person entitled to those moneys by law.

SEC. 4. Section 47612.7 is added to the Education Code, to read:

47612.7. Notwithstanding Section 47612.5 or any other provision of law, the Center for Advanced Research and Technology operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District is eligible to receive general-purpose funding, as calculated pursuant to Section 47633, for the 2007–08 fiscal year for a total average daily attendance not to exceed the center’s average daily attendance as determined at the second principal apportionment for the 2006–07 fiscal year.

SEC. 5. Section 49110 of the Education Code is amended to read:

49110. (a) It is the intent of the Legislature that school district and charter school personnel responsible for issuing work permits to pupils have a working knowledge of California labor laws as they relate to minors and be trained to provide the pupils practical personal guidance in career education.

(b) The superintendent of any school district in which any minor resides, the chief executive officer, or the equivalent position, of a charter school that a minor attends, a person holding a services credential with a specialization in pupil personnel services authorized by the superintendent or chief executive officer in writing, or a certificated work experience education teacher or coordinator authorized by the superintendent or chief executive officer in writing, may issue work permits to certain minors. If the minor resides in a portion of a county not under the jurisdiction of the superintendent of a school district and does not attend a charter school, the work permit shall be issued by the county superintendent of schools, by a person holding a services credential with a specialization in pupil personnel services authorized by the county superintendent in writing, or a certificated work experience education teacher or coordinator authorized by the county superintendent in writing.

(c) A work permit shall not be issued until the written request therefor from the parent, guardian, foster parent, caregiver with whom the minor resides, or residential shelter services provider, has been filed with the issuing authority. “Residential shelter services” refers to residential and other support services provided to minors by a governmental agency, a person or agency under contract with a governmental agency to provide these services, an agency receiving funding from community funds, or a licensed community care facility or crisis resolution center on a temporary or emergency basis in a facility that services only minors.

(d) If the certificated person designated to issue work permits by the superintendent of a school district or the chief executive officer, or the

equivalent position, of a charter school is not available, and delay in issuing a permit would jeopardize the ability of a pupil to secure work, another person authorized by the school district superintendent or the chief executive officer, or the equivalent position, of a charter school may issue the work permit.

(e) If a school district or charter school does not employ or contract with a person holding a services credential with a specialization in pupil personnel services or with a certificated work experience education teacher or coordinator, the school district superintendent or the chief executive officer, or the equivalent position, of a charter school may authorize, in writing, a person who does not hold that credential to issue work permits during periods of time in which the superintendent is absent from the district or the chief executive officer is absent from the charter school.

SEC. 5.5. Section 49110 of the Education Code is amended to read:

49110. (a) An individual responsible for issuing work permits to pupils pursuant to this section shall have a working knowledge of California labor laws as they relate to minors and of education laws related to work permits.

(b) A certificated employee of a school district who is authorized in writing by the superintendent of the school district in which the employee works may issue a permit to work to a minor enrolled in the school. A principal authorized by the superintendent of the school district may in turn designate certificated employees at the schoolsite to issue work permits.

(c) The chief executive officer, or the equivalent position, of a charter school, or his or her designee, may issue a permit to work to a minor attending that charter school.

(d) A permit to work shall not be issued until the written request therefor from the parent, guardian, foster parent, caregiver with whom the minor resides, or residential shelter services provider, has been filed with the issuing authority. "Residential shelter services" refers to residential and other support services provided to minors by a governmental agency, a person or agency under contract with a governmental agency to provide these services, an agency receiving funding from community funds, or a licensed community care facility or crisis resolution center on a temporary or emergency basis in a facility that services only minors.

(e) If the certificated employee designated by the superintendent of the school district to issue work permits is not available, and delay in issuing a permit would jeopardize the ability of a pupil to secure work, another certificated employee authorized by the superintendent may issue the work permit.

(f) A permit to work shall not be issued to a pupil by a person who may request a work permit for that pupil pursuant to subdivision (d).

(g) The county superintendent of schools or his or her designee may issue a work permit to a pupil who does not attend a school that has a person authorized to issue a work permit to that pupil, provided that the person issuing the work permit complies with Section 49110.2 in reviewing the academic and attendance records of the pupil prior to issuing a work permit. It is the intent of the Legislature in granting the authority pursuant to this

subdivision to ensure that all pupils have a designated individual to whom they may apply to receive a work permit.

SEC. 6. Section 5.5 of this bill shall only become operative if (1) this bill and SB 406 are both enacted and become effective on or before January 1, 2008, (2) each bill amends Section 49110 of the Education Code, and (3) this bill is enacted after SB 406, in which case Section 5 of this bill shall not become operative. Except for subdivision (c) of Section 49110 of the Education Code, as added by Section 5.5 of this bill, the changes made by Section 5.5, if applicable, shall be implemented commencing at the beginning of the 2008–09 school year.

SEC. 7. Due to the unique circumstances concerning the Center for Advanced Research and Technology, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that charter schools that are established and operated pursuant to joint powers agreements are eligible to receive classroom-based instruction apportionments based on average daily attendance for the 2002–03 to 2007–08 fiscal years, inclusive, at the earliest possible time, it is necessary that this act take effect immediately.